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12 Attorneys for Creditor
13 CHURCH OF SCIENTOLOGY INTERNATIONAL

14 UNITED STATES BANKRUPTCY COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 In re)	CASE NO. 95-10911 aj
)	
)	CHURCH OF SCIENTOLOGY
)	INTERNATIONAL'S NOTICE OF
17 GERALD ARMSTRONG,)	MOTION AND MOTION FOR
)	RELIEF FROM STAY
)	
)	[11 U.S.C. §362(d)(1)]
)	
18 Debtor)	DATE: May 25, 1995
)	TIME: 9:00 a.m.
)	CTRM: Hon. Alan Jaroslovsky
)	

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on May 25, 1995 at 9:00 a.m. or as soon thereafter as this
3 matter may be heard by the Honorable Alan Jaroslovsky of the United States Bankruptcy Court,
4 located at 99 South "E" St., Santa Rosa, California 95404, creditor Church of Scientology
5 International ("the Church") will and hereby does move, this Court, pursuant to 11 U.S.C.
6 §362(d)(1), for an order granting the Church relief from the automatic stay provisions of 11
7 U.S.C. §362(a), and permitting the Church to proceed in action number 157680, now pending
8 in the Superior Court of the State of California for the County of Marin as follows: (1)
9 Currently pending motions for summary judgment and/or summary adjudication may be decided;
10 (2) The Church may proceed to trial of any claims and causes of action against any party not
11 summarily adjudicated in its favor; (3) A judgment of permanent injunction may be entered
12 against Gerald Armstrong, if decision is rendered in favor of the Church on summary
13 adjudication or after trial; (4) Any Statement of Decision or Jury Verdict on the Church's
14 damages claims against Gerald Armstrong for breach of contract shall be used as to Gerald
15 Armstrong only for the purpose of determining whether said claims are valid and liquidated.
16 The Church shall take no action to enforce such damage claims against Armstrong or the
17 property of the debtor's estate except in these proceedings; and (5) The Church may proceed
18 pursuant to state law as to its state claims against parties other than Gerald Armstrong.

19 The ground for this motion is that the debtor, Gerald Armstrong ("Armstrong"), has been
20 delaying resolution of state court litigation arising out of his breaches of a settlement agreement
21 (the "Agreement") between the debtor and the Church, Church of Scientology International v.
22 Gerald Armstrong, et al., Marin County Superior Court Case No. 157 680. In that action, the
23 Church sought and obtained a preliminary injunction and summary judgment on two breach of
24 contract claims. The Church here requests relief from the automatic stay provisions of 11
25 U.S.C. §362 so that pending, fully briefed, dispositive motions determinative of the state law
26 claims can be decided by the superior court. The Church is not seeking with this petition to
27 enforce any of its monetary claims against Armstrong, but merely to obtain a determination as
28 to the extent of Armstrong's liability to the Church, and to obtain a necessary permanent

1 injunction which is unrelated to the disposition of Armstrong's assets.

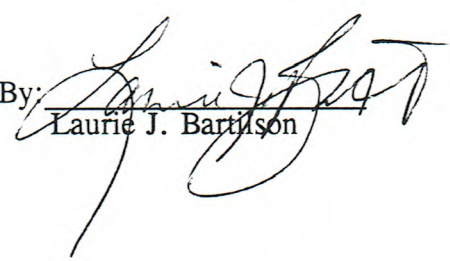
2 This motion is based upon this notice, the concurrently filed memorandum of points,
3 Declaration of Laurie J. Bartilson and exhibits thereto, Request for Judicial Notice and exhibits
4 thereto, all of the pleadings and papers on file in this action, and such oral and documentary
5 evidence as will be presented at the hearing on this motion.

6 Dated: April 26, 1995

Respectfully submitted,

7 Andrew H. Wilson
8 Shauna T. Rejkowski
WILSON, RYAN & CAMPILONGO

9 MOXON & BARTILSON

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11 By: 
12 Laurie J. Bartilson
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On April 26, 1995, I served the foregoing document described as CHURCH OF SCIENTOLOGY INTERNATIONAL'S NOTICE OF MOTION AND MOTION FOR RELIEF FROM STAY on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

GERALD ARMSTRONG
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

Jeffry G. Locke, Trustee
P.O. Box 488
Kentfield, CA 94914-0488

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on April 26, 1995, at Los Angeles, California.

[] **(BY PERSONAL SERVICE) I delivered such envelopes by hand to the offices of the addressees.

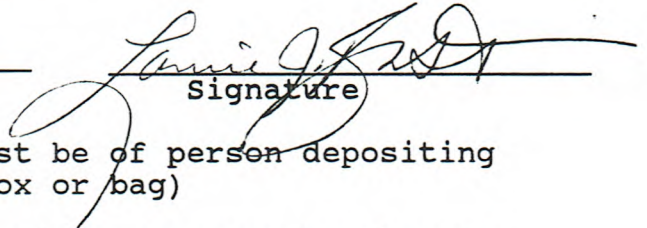
Executed on April 26, 1995, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laurie Barklon

Print or Type Name



Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)